

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, APPROVING AN ADDENDUM TO INTERLOCAL AGREEMENT FOR OPERATION AND DEVELOPMENT OF GOVERNMENT CABLE CHANNEL.**

**WHEREAS**, the Common Council of the City Fort Wayne, Indiana, previously passed Resolution R-01-96 approving the Inter-Local Agreement for Operation and Development of Government Cable Channel between the Allen County Public Library and the City of Fort Wayne; and

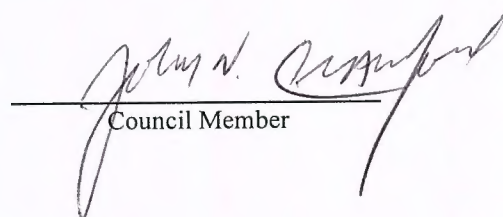
**WHEREAS**, the Board of Public Works approved an Addendum to Interlocal Agreement for Operation and Development of Government Cable Channel on August 28, 1996; and

**WHEREAS**, the Board of Public Works recommends that the Fort Wayne Common Council ratify and approve said Addendum.

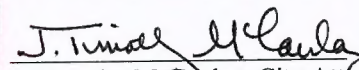
**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WYANE, INDIANA:**

**SECTION 1.** The Common Council of the City of Fort Wayne, Indiana, hereby ratifies and approves the Addendum to Interlocal Agreement for Operation and Development of Government Cable Channel, dated August 28, 1996, attached hereto and made a part hereof.

**SECTION 2.** That this Resolution shall remain in full force and effect from and after its passage and any and all necessary approval by the Mayor.

  
Council Member

APPROVED AS TO FORM AND LEGALITY

  
J. Timothy McCauley, City Attorney

ADDENDUM TO INTERLOCAL AGREEMENT  
FOR  
OPERATION AND DEVELOPMENT  
OF  
GOVERNMENT CABLE CHANNEL

So long as the existing agreement and its extensions remain in effect, ownership of equipment used in the operation of the government channel shall be considered to be the property of the Allen County Public Library ("Library").

In the event that the agreement is terminated, the Library will give to the City of Fort Wayne, or to the successor operator of the government channel, that equipment which is used solely in the operation of the government channel. Equipment used by the Library to operate the public access channel or any other channel will remain the property of the Library so long as the Library operates any channel(s).

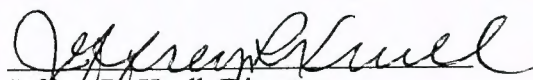
Equipment that is likely to be subject to transfer to a successor operator of the government channel is the remote studio equipment located in the City-County Building and certain playback equipment.

The parties to this agreement recognize that this equipment is likely to become technologically obsolete and therefore to have a relatively low resale value within the time period of the agreement.

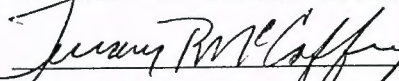
EXECUTED this 28 day of AUGUST, 1996

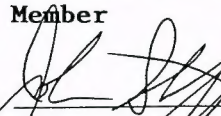
Allen County Public Library

City of Fort Wayne

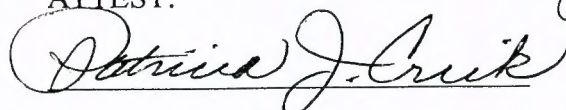
  
Jeffrey R. Krull, Director

\_\_\_\_\_  
Linda Buskirk  
Director of Public Works

  
Terrance P. McCaffrey  
Member

  
John Stafford  
Member

ATTEST:

  
Patricia J. Crick  
Secretary and Clerk

MEMORANDUM

To: Fort Wayne Common Council

From: Rick Orr, Cable TV contract administrator

Re: approval of amendment to inter-local agreement between  
the City of Fort Wayne and the Allen County Public  
Library for operation of City Government Channel 18

Upon review of the inter-local agreement between the Allen County Public Library and the City of Fort Wayne for operation of cable channel 18, our internal auditors found that the current agreement does not address the disposition of the equipment purchased for Channel 18 should the agreement terminate.

To remedy this oversight, the attached amendment is proposed. This language is acceptable to our auditors and has been approved by our Board of Public Works and by Mr. Jeffrey Krull, Director of the Allen County Public Library.

Your approval is requested since the agreement stipulates that any amendments must go through the same formality as the original agreement.



DIGEST SHEET

TITLE OF ORDINANCE RESOLUTION

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS

SYNOPSIS OF ORDINANCE 1. APPROVES ADDENDUM TO INTERLOCAL  
AGREEMENT FOR OPERATION AND DEVELOPMENT OF GOVERNMENT CABLE  
CHANNEL. 2. ADDENDUM STIPULATES OWNERSHIP PROVISIONS FOR  
EQUIPMENT USED TO OPERATE THE GOVERNMENT CHANNEL.

EFFECT OF PASSAGE ADDENDUM IS APPROVED.

EFFECT OF NON-PASSAGE ADDENDUM NOT APPROVED. OWNERSHIP OF  
PROPERTY IS NOT ESTABLISHED.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) \_\_\_\_\_

ASSIGNED TO COMMITTEE (PRESIDENT) \_\_\_\_\_

BILL NO. R-95-12-23

RESOLUTION NO. R-01-96

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, APPROVING AN INTER-LOCAL AGREEMENT WITH THE ALLEN COUNTY PUBLIC LIBRARY FOR THE OPERATION AND DEVELOPMENT OF THE FORT WAYNE GOVERNMENT CABLE TELEVISION CHANNEL.

WHEREAS, the City of Fort Wayne Cable Television Franchise Agreement requires the establishment of a Government Access Channel on the cable television system; and

WHEREAS, the City of Fort Wayne is desirous of developing its Government Access Channel for the purpose of informing the citizens of Fort Wayne about their City government; and

WHEREAS, the Allen County Public Library has experience and expertise in developing and operating public access cable channels; and

WHEREAS, the Fort Wayne Board of Public Works has entered into an Inter-local Agreement with the Allen County Public Library for the Operation and Development of the Fort Wayne Government Cable Channel and the Board further recommends that the Fort Wayne Common Council ratify and approve said Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council of the City of Fort Wayne, Indiana, hereby ratifies and approves the Inter-local Agreement

between the Allen County Public Library for the Operation and Development of the Fort Wayne Government Cable Channel and the Fort Wayne Board of Public Works, attached hereto and made a part hereof.

**SECTION 2.** That this Resolution shall remain in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta

Council Member

Read the third time in full and on motion by Henry, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine

Bender, Crawford, Edmonds, Hall, Hayhurst,

Henry, Lunsey, Ravine, Schmidt

NAYS: None

ABSTAINED: None

ABSENT: None

DATED: 1-9-96

Sandra E. Kennedy

City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-01-96 on the 9th day of January, 1996

ATTEST:

(SEAL)

Sandra E. Kennedy

Don J. Schmidt

City Clerk

Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne,  
Indiana, on the 10th day of January, 1996, at the hour of 11:30  
o'clock A.M., E.S.T.

Sandra E. Kennedy

City Clerk

Approved and signed by me this 11th day of January, 1996,  
at the hour of 5:00 o'clock P.M., E.S.T.

Paul Helmke

Mayor



8-95-12-23

INTER-LOCAL AGREEMENT  
FOR  
OPERATION AND DEVELOPMENT  
OF  
GOVERNMENT CABLE CHANNEL

THIS AGREEMENT made and executed this 20 day of DECEMBER 1995, and effective the first day of January, 1996, between the Allen County Public Library, hereinafter "ACPL" and the City of Fort Wayne, hereinafter "City" is an inter-local agreement for the purposes of securing technical services from ACPL for offering a communication center/government channel.

Recitals:

WHEREAS, the current cable T.V. licensing agreement with Comcast Cable Corporation provides for a full-time government channel and,

WHEREAS, full-time channel access will not be available until approximately two years from the implementation of this agreement and,

WHEREAS, the City desires to increase and improve programming on the government channel, beginning immediately and insofar as is possible in the restricted times available and,

WHEREAS, during that time, it will be necessary to acquire certain personnel and equipment to begin development of the government channel and,

WHEREAS, ACPL has experience and expertise in developing and operating public access cable channels.

NOW THEREFORE in consideration of the foregoing and the mutual covenants hereinafter contained, the sufficiency of which consideration is accepted, ACPL and City agree as follows:

1. Term: This agreement shall extend for a period of five (5) years from the effective date thereof unless sooner terminated by either party under the provisions of paragraph six (6) and may be renewed upon mutual agreement of the parties. Negotiations concerning renewal shall commence at least 120 days prior to expiration.
2. Purpose: The purpose of this agreement is to provide for the development, equipping, and operation of a government cable T.V. channel.



3. Budgeting:

A. Funding for government programming shall be derived from Cable Fund dollars allocated to the government channel under City Ordinance Number G-27-95, or any other applicable ordinance, together with other funds as and if made available by the City. ACPL shall not be obligated to supplement these funds in any manner from its own resources or from any other source.

B. ACPL shall annually, by the first day of November of each year, propose a budget and scope of services for the coming year, as well as a long range plan for the remaining term of this agreement and shall submit the proposal to the Editorial Board.

4. Editorial Board: The City will establish the Government Channel Editorial Board consisting of three members:

- a. One (1) designated by the Mayor
- b. One (1) designated by the Common Council
- c. One (1) selected by mutual agreement of the first two, each to serve at the pleasure of the appointing body.

The Government Channel Editorial Board will have the power and authority to:

- d. Select from among its members one person who shall serve as its Chair and who shall be the single person through whom all official communications to and from ACPL shall pass.
- e. Develop, maintain, review, and enforce editorial policies for the government channel.
- f. Set and resolve questions of conflict among priorities for programming, playback times, and use of equipment.
- g. Review the budget, scope of services for the coming year, and long-term plans for the government channel as presented by ACPL.

5. Scope of Service

A. Initial Year

In the first year of this agreement, ACPL will:

1. Purchase portable studio equipment for origination facility in City-County Building.
2. Purchase equipment for playback of government programs.
3. Retain degreed professional as full-time coordinator for government channel.
4. Cablecast City Council meetings beginning two weeks after signing (using three cameras and an experienced crew).
5. Evaluate and recommend improvements to existing sound system

6. Produce standard opening and close for council cablecast.
7. Produce screening of agenda and programs relating to content of issues to be addressed during the meetings.
8. Produce and run promotions for council meeting to be cablecast on channel 10.
9. Train City staff in video production and provide trained channel 10 volunteers to help with productions.
10. Assist City in identifying existing programming of benefit to City departments.

Additionally, the following services will be performed upon request and when technically feasible:

11. Cablecast at least one other city agency meeting per week - live, or tape depending on facility availability.
12. Cablecast live call-in programs for city officials bi-weekly (produce at channel 10 studios).
13. Cablecast special events such as Lincoln Leadership Conference, live or taped, depending on facility availability.
14. Produce programs featuring City departments and functions.
15. Provide personnel and equipment to cablecast any emergency messages to be cablecast over the government channel.
16. Assist City with teleconferencing and program development.

ACPL shall not be obligated to perform any such action unless the request or approval to do so shall have been communicated to the Government Access Coordinator by the Chair of the Editorial Board.

#### B. Long Range Goal

The current long range objective is to cablecast 168 hours a week on the government channel. Until the channel becomes available full-time, ACPL will use the budgeted funds to train personnel; to acquire equipment that will be used in the operation of the channel; and to produce programming to be cablecast on the government channel at times specified by the City.



6. Termination: This agreement is subject to annual distribution of cable access dollars and appropriation by the common council of the City of Fort Wayne and is terminable with or without cause at the end of any one calendar year by either party upon 120 days written notice of termination.
7. Status of Employees: This agreement is a services agreement to City by ACPL. All persons employed to perform services under the terms of this agreement by ACPL shall be considered employees of ACPL, which shall provide all benefits provided to any other ACPL employee in similar circumstances. ACPL shall provide workers' compensation insurance covering said employees and shall indemnify City of and from any claims arising out of the performance of services to City by said employees. Likewise City shall provide workers' compensation or other coverage covering its employees and shall indemnify ACPL of and from any claims arising out of the performance of duties relating to the government channel by said employees.
8. Development of Access Rules and Programming Policy: As the owner of the government channel, City shall be responsible for all access rules and programming policies. ACPL agrees to consult with City and to provide its expertise in developing such rules and policies. Recommendations for such rules and policies shall be developed by the Editorial Board who shall recommend said rules and policies for adoption by the City.
9. Insurance and Waivers: Subject to the limitations of any insuring agreement covering the respective parties, parties hereby mutually waive claims against the other, except such claims that may arise from the willful negligence of either of the parties.
10. Approvals: This agreement is subject to final approval by the common council of the City of Fort Wayne and the Board of Library Trustees of the Allen County Public Library.
11. Governing Law: This agreement shall be governed by the law of the State of Indiana.
12. General Construction: Where made necessary by the context of this agreement, the masculine includes the feminine and the neuter, and the plural includes the singular and the singular includes the plural. The captions are inserted for convenience only and shall not be deemed part of the contract language.
13. Amendments and Modifications: This agreement may only be amended or modified by a written agreement between the parties executed with the same formality as the existing agreement.



EXECUTED this 20 day of DECEMBER, 1995.

Allen County Public Library

\_\_\_\_\_  
Jack Carmean, President  
Board of Library Trustees

City of Fort Wayne, by its  
Board of Public Works

Linda Buskirk  
Linda Buskirk, Chairman  
& Director of Public Works

C. James Owen  
C. James Owen, Member

Terrance P. McCaffrey  
Terrance P. McCaffrey, Member

ATTEST:

Patricia J. Crick  
Patricia Crick, Clerk of  
Board of Works

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
R. David Boyer, Associate Attorney  
for City of Fort Wayne

Read the first time in full and on motion by Crawford,  
and duly adopted, read the second time by title and referred to the  
Committee on Finance (and the City Plan Commission  
for recommendation) and Public Hearing to be held after due legal notice, at  
the Common Council Council Conference Room 128, City-County Building, Fort  
Wayne,, Indiana, on \_\_\_\_\_, 19\_\_\_\_, the \_\_\_\_\_ day of  
\_\_\_\_\_, M., E.S.T. \_\_\_\_\_, at \_\_\_\_\_ o'clock

DATED: 9-18-96 Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Crawford,  
and duly adopted, placed on its passage. PASSED LOST  
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	8			1
BENDER	✓			
CRAWFORD	✓			
EDMONDS				✓
HALL	✓			
HAYHURST	✓			
HENRY	✓			
LUNSEY	✓			
RAVINE	✓			
SCHMIDT	✓			

DATED: 9-24-96 Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,

Indiana, as (ANNEXATION) \_\_\_\_\_ (APPROPRIATION) \_\_\_\_\_ (GENERAL) \_\_\_\_\_

(SPECIAL) \_\_\_\_\_ (ZONING) \_\_\_\_\_ ORDINANCE \_\_\_\_\_ RESOLUTION NO. 9-56-96

on the 24th day of Sept, 1996

ATTEST:

Sandra E. Kennedy (SEAL) DD Schmidt  
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on

the 25th day of Sept, 1996

at the hour of 2:45 o'clock P., M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 30th day of September,  
1996, at the hour of 11:00 o'clock A M., E.S.T.

PAUL HEIMKE  
PAUL HEIMKE, MAYOR



BILL NO. R-96-09-10

REPORT OF THE COMMITTEE ON  
FINANCE  
THOMAS C. HENRY - JOHN N. CRAWFORD - CO-CHAIR  
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS  
REFERRED AN ~~(ORDINANCE)~~ <sup>(RESOLUTION)</sup> of the Common Council of the  
City of Fort Wayne, Indiana, approving an addendum to Interlocal Agreement for  
operation and development of Government Cable Channel.

HAVE HAD SAID ~~(ORDINANCE)~~ <sup>(RESOLUTION)</sup> UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
~~(ORDINANCE)~~ <sup>(RESOLUTION)</sup>

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Wm. A. Campy

Robert A. Bunch

Thomas E. Hayburn

Robert Caruso

Richard Hall

Chris Henry

John E. Henry

OSB

Letno R. Edwards

DATED:

9-24-96

Sandra E. Kennedy  
City Clerk